

REMARKS

The present Amendment is responsive to the Official Action dated July 9, 2008. The Official Action rejected Claims 1-12, 14, and 15 under 35 U.S.C. § 112, second paragraph, as being indefinite. The Official Action also rejected all of the claims pending in the application under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,317,784 to Mackintosh *et al.* ("*Mackintosh*") in view of U.S. Patent No. 6,983,310 to Rouse *et al.* ("*Rouse*").

By this Amendment, Claims 1-4, 9-12, 16-20, 25, 27, 28, 31-33, 41-47, and 49 have been amended, and Claims 51-55 have been added. Reconsideration of all of the pending claims in view of the preceding amendments and the following remarks is respectfully requested.

I. Rejections Under Section 112

Claims 1-12, 14, and 15 were rejected as being indefinite. Amended independent Claim 1 reads:

1. A system comprising:
 - a service platform configured to run an on-line service, the on-line service for providing a certain content, the service platform comprising:
 - transmitting means for transmitting the certain content to at least one terminal via a network; and
 - providing means for providing along with the transmitted certain content at least one content-related predefined message to the at least one terminal, the content-related predefined message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted from the at least one terminal; and
 - at least one terminal configured to receive the certain content and the at least one content-related predefined message from said service platform through the network, the at least one terminal comprising:
 - selecting means for enabling selecting, by a user of said at least one terminal, whether to transmit one or more of the provided at least one content-related predefined message from said at least one terminal; and
 - transmitting means for transmitting, when the user of said at least one terminal selects to transmit one or more of the provided at least one content-related predefined message, the selected one or more of the provided at least one content-related predefined message to at least one address selectable by the user of said at least one terminal.

The Official Action stated:

Claim 1 recites the limitations "providing means for providing for providing along with the transmitted certain content at least one content-related predefined message to the user of the at least one wireless terminal", "at least one wireless terminal at least for receiving the certain content and the at least one content-related predefined message **from the online service of said service platform through the wireless network**" (emphasis added), and "selecting means for enabling selecting, by the user of said at least one wireless terminal, whether to **originally transmit** one or more of the provided at least one content-related predefined messages wirelessly from said at least one wireless terminal" (emphasis added). It appears it was applicant's intent for the phrase "originally transmit" to mean the transmission from wireless terminal (as selected by the user) is the first, or original, transmission of the content-related predefined message. It is unclear as to how this can be true if the "original", or first, transmission of the content related predefined message was from the server to the wireless terminal, as recited in the claim. Therefore, this limitation renders the claim indefinite.

See pp. 2-3 of the Official Action. However, Applicant has hereby amended Claim 1 so as to remove all references to "original transmission" of messages. Applicant respectfully submits that amended Claim 1, and also each of the claims depending therefrom, complies with the definiteness requirements of 35 U.S.C. § 112, second paragraph.

II. Rejections Under Section 103

Amended independent Claim 1 of the present application reads, in pertinent part:
"providing means for providing along with the transmitted certain content at least one content-

related predefined message to the at least one terminal, the content-related predefined message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted from the at least one terminal . . .”

Each of independent Claims 16, 31, 43, and 46 also recites, in one form or another, “providing a content-related predefined message . . . the message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted . . .” As stated previously, an example of an embodiment that operates consistently with Claim 1 is where a user may be using her cellular telephone to listen to a music station and a predefined message related to the content (*e.g.*, the received music) is presented to the user. The predefined message could be, for example, “Check out the new Britney Spears song on music station Z.”

All of the independent claims were rejected as obvious over the combination of *Mackintosh* and *Rouse*. *Mackintosh* is directed to the presentation of supplemental information regarding material being broadcast. In one embodiment, a program provider, such as a radio station, provides broadcast materials, for example, by broadcasting its radio program via the Internet to a number of users’ personal computers. The program provider also provides information pertaining to the broadcast materials, such as a real-time identification of the song being played. A data server utilizes the data provided by the program provider to retrieve supplemental materials related to the broadcast materials and to provide those supplemental materials to users in coordination with the broadcast materials. For example, the data server can retrieve images, video clips, or textual data relating to the song presently being broadcast. *See* col. 5, l. 7 – col. 6, l. 4. In one embodiment, users may be provided with a display populated with textual information such as the song title, the artist name, and the title of the album from which the song originates. *See* col. 22, l. 55 – col. 23, l. 6.

Rouse is directed to a system and method for enabling users to send and receive messages and other information from mobile devices and enabling users to access server-based information using mobile devices over wireless data networks, as well as the provision of search capabilities

on a wireless device. Search criteria may include searching messages (e.g., emails, memos, and/or other correspondences and documents) based on various fields, such as sender, date, subject and other parts of a message. Other search criteria may also be used. A search form may contain a formula field where the field may contain a select formula that may be evaluated on the server for the search operation. This formula typically may reference other fields on the search form. *See* Abstract.

Applicant respectfully submits that neither *Mackintosh* nor *Rouse* discloses the provision of a content-related predefined message, the message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted, as recited, in one form or another, in each of the independent claims.

The Official Action states that...

Mackintosh discloses the ability to deliver content, i.e. a music track, in combination with a content-related predefined message (col. 3, lines 42-67) to a user terminal via a wireless communication system (col. 24, line 55 - col. 25, line 4). Referring to Fig. 12, the content-related predefined message comprises the information fields "artist", "song", "album" and album cover (field 518) that are generated independently of the certain content and automatically modified based on an identity of the certain content. These fields are predefined and generated independently of the certain content, as they are displayed to the player irrespective of the track being played, but are modified to include data pertinent to the track currently being played.

See pp. 4-5 of the Official Action. However, the provision in *Mackintosh* of the artist, song, album, etc. information does not amount to the provision of a content-related predefined message configured to be transmitted, as recited in the independent claims of the present application.

Indeed, *Mackintosh* does not contemplate the transmission of the artist, song, album, etc. information subsequent to the receipt of this information by "player" (executing on a "client computer").

Similarly, *Rouse* also fails to teach the provision of a content-related predefined message, the message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted. The Official Action indicates:

Additionally, Rouse discloses a system for enabling users of wireless devices to send and receive messages and other information (abstract), including content-related predefined messages (col. 3, lines 27-33). Specifically, Rouse discloses selecting means for enabling selecting whether to originally transmit one or more messages from the wireless terminal in col. 9, lines 43-46. That is, phone keys provide the wireless device user with the ability to select a forward option **718**, which enables a user to forward a selected message to a recipient (col. 9, lines 14-35).

See pp. 5-6 of the Official Action. However, neither the cited passages nor any other portion of *Rouse* discloses the provision of a message configured to be transmitted. Instead, *Rouse* discloses the simple ability to forward a previously-received message (see col. 9, ll. 34-35). Further, in contrast to the assertion in the Official Action, *Rouse* does not appear to disclose "content-related predefined messages." The Official Action cites col. 3, lines 27-33 of *Rouse* for this proposition. The cited portion of *Rouse* states:

In addition, the user may customize responses, replies and other outgoing information from the user's mobile device. For example, a user may select from a list of possible customized replies, which may include "will discuss later", "will call later" and other replies. Customized replies may be predetermined for varying types of actions. For example, for a stock broker, possible replies may include "buy", "sell", "hold", etc.

The “customized responses” discussed in the above passage appear to be “customized” based on various types of actions that would be particular to the user, rather than being customized based on a content received by the user.

Overall, neither *Mackintosh* nor *Rouse* discloses the provision of a content-related predefined message, the message being generated independently of the certain content and automatically modified based on an identity of the certain content and also being configured to be transmitted, as recited, in one form or another, by each of the independent claims. Because neither of the cited references teaches this aspect, the combination also fails to teach this aspect. For at least this reason, Applicant respectfully submits that independent Claims 1, 16, 31, 43, and 46, and also the claims depending therefrom (including new Claims 51-55), are patentable over *Mackintosh* and *Rouse*, taken either alone or in combination.

Application No.: 10/091,038
Amendment Dated November 4, 2008
Reply to Office Action of July 9, 2008

CONCLUSION

In view of the amendments and remarks presented above, Applicant respectfully submits that all of the claims in the present application are in condition for allowance. As such, the issuance of a Notice of Allowance is therefore respectfully requested. In order to expedite the examination of the present application, the Examiner is encouraged to contact Applicant's undersigned attorney in order to resolve any remaining issues.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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LEGAL02/30933197v2

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON NOVEMBER 4, 2008.